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09/766,175

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Mark Buonanno

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EXAMINER

BORISOV, IGOR N

ART UNIT

PAPER NUMBER

3628

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/766,175

Applicant(s)

BUONANNO ET AL.

Examiner

Igor N. Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/06/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-19, 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 11/06/06 is acknowledged and entered. Claims 1-6, 10-19 and 22-25 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 10-12, 16-18, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. (US 6,029,140) in view of McCausland et al. (US 5,822,410).

Martin et al. (Martin) teaches a computer-implemented method, system and computer-readable medium for implementing said method for on-time product delivery, tracking and reporting, comprising:

Claims 1, 10, 16 and 22,
receiving an order for delivery of a product placed by a customer (C. 3, L. 36-38);
initiating a workflow process to handle delivery of product of the order to the customer (C. 3, L. 38-46);
monitoring the workflow process to detect any problems related to the delivery of the order by the workflow program (C. 3, L. 65-67);
notifying a human call center agent if a problem related to delivery of the product to the customer occurs during the processing of the order thereby enabling proactively contacting the customer (the customer order entry is routed to a human order scheduler for assignment of a targeted ship date) (C. 3, L. 67 - C. 4, L. 2, 45-47);

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proactively notifying the customer in response to the problem to resolve the problem (C. 4, L. 50-51).

Martin does not specifically teach that said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by said human operator.

McCausland et al. (McCausland) teaches a computer-implemented method, system and computer-readable medium for identifying problems related to customers services and proactively notifying said customers in order to solve said problems, wherein, upon identifying a problem related to a customer account, a human agent (ORU) proactively contacts the customer via a telephone regarding the problem, and proposes offers and actions to solve the problem (C. 8, L. 45-57; C. 9, L. 24-25). In practice, the human agent (ORU) can discuss the offer with the customer in a phone conversation, wherein said phone conversation is initiated by said human agent (proactive call) (C. 14, L. 3-6). If the customer agrees to accept the offer, the human agent records customer acceptance and proceeds with the agreed action (C. 14, L. 6-9), thereby indicating the step of: "resolving the problem based at least in part on input of the customer".

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin to include that said proactively notifying the customer in response to the problem includes establishing a telephonic interaction with the customer by a human agent, as disclosed in McCausland, because it would advantageously allow to identify situations leading to customer dissatisfaction, and propose actions to address said situations before the customer is irritated enough to complain, therefore building customers' loyalty, as specifically stated in McCausland (C. 1, L. 45-49, 55-60; C. 2, L. 55-58).

Claims 2, 11, 17 and 23, Martin teaches:

automatically fixing the problem and informing the customer of the problem and the solution before being contacted by the customer (C. 4, L. 45-51).

Claims 3, 12, 18 and 24.

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Martin in view of McCausland teaches researching the problem, and proposing a solution to the customer before being contacted by the customer (see a discussion above).

Claims 4, 13, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of McCausland et al. and further in view of Official Notice.

Claims 4, 13, 19 and 25.

Martin and McCausland teaches establishing a telephone (collaboration) session between the customer and the service provider to resolve the problem.

Martin and McCausland do not specifically teach that said telephone (collaboration) session is established between representatives of the customer and the service provider.

Official notice is taken that it is old and well known to provide a specific written authority to execute and sign one or more legal instruments for another person (power of attorney).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify view of Martin and McCausland to include establishing a collaboration session between representatives of the customer and the service provider to resolve the problem, because it would simplify the process for both sides.

Claims 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al. in view of McCausland et al. and further in view of Krichilsky et al. (US 6,530,518).

Claims 5 and 14.

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Martin and McCausland teaches all the limitations of Claims 5 and 14, except specifically teaching that said order is placed on-line, and via B2B exchange or B2B enterprise resource planning.

Krichilsky et al. (Krichilsky) teaches a method and system for providing information on product delivery, including placing an order by a customer on-line (C. 3, L. 23-30; C. 1, L. 19-20, 41-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin and McCausland to include that said order is placed on-line, and via B2B exchange, as disclosed in Krichilsky, because it would advantageously allow the customer to view information regarding delivery of the ordered product (Krichilsky, C. 1, L. 35), thereby enhancing customer service.

Claims 6 and 15.

Martin and McCausland teaches all the limitations of Claims 6 and 15, except specifically teaching that said order is placed via B2B exchange or B2B enterprise resource planning.

Krichilsky teaches said method and system for providing information on product delivery, including placing an order by a customer on-line, wherein interactions are conducted in B2B environment (C. 3, L. 23-30; C. 1, L. 19-20, 41-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Martin and McCausland to include that said order is placed via B2B exchange, as disclosed in Krichilsky, because it would advantageously allow to expand the application field and auditory of the system, thereby potentially increasing revenue.

Response to Arguments

Applicant's arguments filed 11/06/06 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach: "before resolving the problem, proactively establishing a telephonic interaction between said human call center agent

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and the customer when the problem occurs to resolve the problem based at least in part on input of the customer".

In response to this argument, it is noted that Martin teaches, that all recalculated delivery dates are communicated to the customer before the goods actually delivered (C. 4, L. 5-12). McCausland teaches said method and system for identifying problems related to customers services and proactively notifying said customers in order to solve said problems, wherein, upon identifying a problem related to a customer account, a human agent (ORU) proactively contacts the customer via a telephone regarding the problem, and proposes offers and actions to solve the problem (C. 8, L. 45-57; C. 9, L. 24-25). In practice, the human agent (ORU) can discuss the offer with the customer in a phone conversation, wherein said phone conversation is initiated by said human agent (proactive call) (C. 14, L. 3-6). Furthermore, McCausland teaches that if the customer agrees to accept the offer, the human agent records customer acceptance and proceeds with the agreed action (C. 14, L. 6-9), thereby indicating the step of: "resolving the problem based at least in part on input of the customer".

In response to applicant's arguments that Martin teaches away from "before resolving the problem...", it is noted that Martin teaches, that all recalculated delivery dates are communicated to the customer before the goods actually delivered (C. 4, L. 5-12), which means that before actually delivering goods to the customer on a recalculated date, any said changes in scheduling of the delivery, or recalculating delivery dates, are provided to the customer. Therefore, McCausland teachings of the human agent records customer acceptance and proceeds with the agreed action (C. 14, L. 6-9), if incorporated in Martin, cannot make Martin's system unsatisfactory for its intended purpose.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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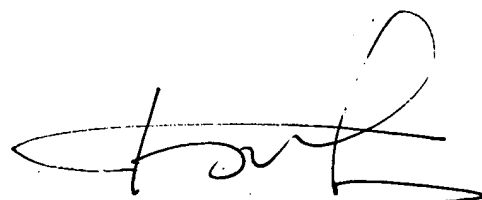
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

01/20/2007



IGOR N. BORISSOV
PRIMARY EXAMINER